

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-4 and 6-17 are pending in the present application, of which claims 1, 10 and 11 are independent.

With appreciation, it is noted that the Office Action indicates (see page 4, item 7) claims 4, 6-9, 12, 14 and 16 as containing allowable subject matter.

Noted - IDS Considered

The indication (see Examiner-initialed PTO forms 1449 mailed with Office Action dated August 6, 2008) that the Information Disclosure Statements as filed on December 30, 2005 and December 11, 2007 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see present Office Action Summary, boxes 10(a) are checked) that the Drawings (submitted on December 30, 2005) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102

Claims 1, 10-11, 13, 15 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by Kikuchi (U.S. Patent No. 6,671,464).

INDEPENDENT CLAIM 1

As an example, independent claim 1 recites (among other things) "a polarimeter to measure a state of polarization and a degree of polarization of the output optical signal and generate a feedback signal indicating the measured state of polarization and degree of polarization." (Underlining is added for emphasis.) As will be explained below, at least this feature of claim 1 is a distinction over Kikuchi.

Kikuchi merely describes control using degree of polarization information obtained in a degree of polarization detector without any discussion of a feedback signal indicating the measured state of polarization. In particular, column 8, line 67 and column 9, lines 1-5 of Kikuchi states:

The control circuit 105 controls the polarization controller 131 by a control signal 106-1 using the degree of polarization information obtained in the degree of polarization detector 104, and also controls the variable polarization mode dispersion element 136 by a control signal 106-2.
(Underlining is added for emphasis.)

Column 12, lines 64-66 of Kikuchi states:

It is made possible to measure the degree of polarization quickly by using a polarization state analyzer as a degree of polarization measuring circuit,
(Underlining is added for emphasis.)

However, Kikuchi clearly fails to describe generating a feedback signal indicating a measured state of polarization. Hence, the noted feature of claim 1, namely "a polarimeter to measure a state of polarization and a degree of polarization of the output optical signal and generate a feedback signal indicating the measured state of polarization and degree of polarization," is a distinction over Kikuchi.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 1 noted above, at least one claimed element is not present in Kikuchi. Hence, Kikuchi does not anticipate claim 1.

INDEPENDENT CLAIM 10

As an example, independent claim 10 recites (among other things) "a distortion analyzer to measure a state of polarization and a distortion of the output optical signal and generate a feedback signal indicating the measured state of polarization and distortion." (Underlining is added for emphasis.) As will be explained below, at least this feature of claim 10 is a distinction over Kikuchi.

Kikuchi merely describes control using degree of polarization information obtained in a degree of polarization detector without any discussion of a feedback signal indicating the measured state of polarization. Hence, the noted feature of claim 10, namely "a distortion analyzer to measure a state of polarization and a distortion of the output optical signal and generate a feedback signal indicating the measured state of polarization and distortion," is a distinction over Kikuchi.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 10 noted above, at least one claimed element is not present in Kikuchi. Hence, Kikuchi does not anticipate claim 10.

INDEPENDENT CLAIM 11

As an example, independent claim 11 recites (among other things) "measuring a state of polarization and a distortion of the output optical signal to generate a feedback signal indicating the measured state of polarization and distortion." (Underlining is added for emphasis.) As will be explained above, this feature of claim 11 is a distinction over Kikuchi.

Kikuchi merely describes control using degree of polarization information obtained in a degree of polarization detector without any discussion of a feedback signal indicating the measured state of polarization. Hence, the noted feature of claim 11, namely "measuring a state of polarization and a distortion of the output optical signal to generate a feedback signal indicating the measured state of polarization and distortion," is a distinction over Kikuchi.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 11 noted above, at least one claimed element is not present in Kikuchi. Hence, Kikuchi does not anticipate claim 11.

DEPENDENT CLAIMS

Claims 13, 15 and 17 depend from claims 1, 10 and 11, respectively, and so at least similarly distinguish over Kikuchi. Hence, Kikuchi also does not anticipate claims 13, 15 and 17.

In view of the foregoing discussion, the rejection of claims 1, 10-11, 13, 15 and 17 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kikuchi in view of Rao et al. (U.S. Patent Application Publication No. 2004/0016874, Rao hereinafter).

Claim 2 depends from claim 1. A basis for how Kikuchi is deficient vis-à-vis claim 1 has been noted above. The Office Action does not rely upon Rao to compensate for these deficiencies. Hence, at least the noted feature of claim 1 also is a distinction over Rao.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Claim 2 depends from claim 1, and so at least similarly distinguishes over the asserted combination of references.

In view of the foregoing discussion, the rejection of claim 2 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kikuchi in view of Koch et al. (U.S. Patent Application Publication No. 2004/0207902, Koch hereinafter).

Claim 3 depends from claim 1. A basis for how Kikuchi is deficient vis-à-vis claim 1 has been noted above. The Office Action does not rely upon Koch to compensate for these deficiencies. Hence, at least the noted feature of claim 1 also is a distinction over Koch.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Claim 3 depends from claim 1, and so at least similarly distinguishes over the asserted combination of references.

In view of the foregoing discussion, the rejection of claim 3 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

PATENT

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Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

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